

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SHAUNA WILLIAMS, et al.,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in his
official capacity as Chair of the House Standing
Committee on Redistricting, et al.,

Defendants.

Civil Action No. 23 CV 1057

NORTH CAROLINA STATE CONFERENCE OF
THE NAACP, et al.,

Plaintiffs,

v.

PHILIP BERGER, in his official capacity as the
President Pro Tempore of the North Carolina
Senate, et al.,

Defendants.

Civil Action No. 23 CV 1104

**PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE OF CERTAIN
DOCUMENTS ON NAACP PLAINTIFFS' EXHIBIT LIST**

NAACP Plaintiffs and Williams Plaintiffs (collectively “Plaintiffs”) respectfully request that the Court take judicial notice of certain publicly available legislative records identified on NAACP Plaintiffs’ Exhibit List pursuant to Federal Rule of Evidence (“FRE”) 201. These records are published on the official websites of the North Carolina General Assembly or the United States Congress and are therefore not subject to reasonable dispute. True and correct copies of the documents are attached as **Attachments 1-38** to the concurrently filed Declaration of J. Tom Boer (“Boer Declaration”).

Legislative Defendants’ position, as communicated to Plaintiffs by email, is as follows:

Legislative Defendants oppose Plaintiffs’ Motion for Judicial Notice because, while Legislative Defendants do not dispute that the existence and authenticity of public legislative records can be a proper subject of judicial notice, it appears that Plaintiffs want to judicially notice a small selection of bills and related materials as a means of circumventing their burden of proof on a disputed issue: legislative intent. *See* D.E. 131 at pp 5-7. “Rule 201 governs whether the court takes judicial notice of *facts*, and not the admittance of documents wholesale,” and Legislative Defendants object to Plaintiffs’ proposed use of “judicial notice to draw inferences from the contents of [public documents]” that are disputed. *Humane Soc’y of the United States v. Hanor Co. of Wisc., LLC*, No. 4:15-cv-109, 2016 WL 3435192, **3-4 (E.D.N.C. June 17, 2016).

Plaintiffs have clarified to Legislative Defendants that their request does not seek judicial notice of any interpretation or conclusion drawn from these documents—only the

existence and content of the records themselves. State Board Defendants take no position on Plaintiffs' request.

Specifically, Plaintiffs request that the Court take judicial notice of three distinct categories of documents: Bills and Laws, Bill Amendments, and Bill Histories or Cosponsors, as identified in the Boer Declaration:¹

ATTACHMENT TO BOER DECLARATION	DOCUMENT	AVAILABLE AT:	CORRESPONDING NAACPPX EXHIBIT
Bills and Enacted Laws			
Attachment 1	Session Law 2023-134 (2023 Appropriations Act)	https://www.ncleg.gov/Sessions/2023/Bills/House/PDF/H259v7.pdf	NAACPPX 87 (excerpt)
Attachment 2	House Bill 259 (2023 Appropriations Act, Proposed Committee Substitute H259-PCCS50044-MHxr-6)	https://webservices.ncleg.gov/ViewBillDocument/2023/7266/0/H259-PCCS50044-MHXR-6.pdf	NAACPPX 88 (excerpt)
Attachment 3	House Resolution 22 ("SAVE Act") Bill Text and Cosponsors	https://www.congress.gov/bill/119th-congress/house-bill/22/text?s=2&r=76 https://www.congress.gov/bill/119th-congress/house-bill/22/cosponsors?s=2&r=76	NAACPPX 299
Attachment 4	Senate Bill 558 ("Eliminating 'DEI' in Public Higher Ed") (Filed Edition)	https://www.ncleg.gov/Sessions/2025/Bills/Senate/PDF/S558v0.pdf	NAACPPX 301

¹ As noted below, these documents are currently included on NAACP Plaintiffs' Second Amended Exhibit list, Doc. 142-2. NAACP Plaintiffs will withdraw these exhibits if the Court grants this Request for Judicial Notice.

ATTACHMENT TO BOER DECLARATION	DOCUMENT	AVAILABLE AT:	CORRESPONDING NAACPPX EXHIBIT
Attachment 5	Senate Bill 403 / House Bill 491 (“Medicaid Work Requirements”) (Filed Edition)	https://www.ncleg.gov/Sessions/2025/Bills/Senate/PDF/S403v0.pdf	NAACPPX 303
Attachment 6	Senate Bill 333 (“Prohibit Illegal Accreditation Requirements”) (Filed Edition)	https://www.ncleg.gov/Sessions/2025/Bills/Senate/PDF/S333v0.pdf	NAACPPX 305
Attachment 7	Senate Bill 227 (“Eliminating ‘DEI’ in Public Higher Ed”) (Filed Edition)	https://www.ncleg.gov/Sessions/2025/Bills/Senate/PDF/S227v0.pdf	NAACPPX 308
Attachment 8	Senate Bill 153 (“North Carolina Border Protection Act”) (Filed Edition)	https://www.ncleg.gov/Sessions/2025/Bills/Senate/PDF/S153v0.pdf	NAACPPX 311
Attachment 9	House Bill 127 (“Voter Registration Drive Form”) (Filed Edition)	https://www.ncleg.gov/Sessions/2025/Bills/House/PDF/H127v0.pdf	NAACPPX 313
Attachment 10	House Bill 66 (“Reduce Early Voting Period”) (Filed Edition)	https://www.ncleg.gov/Sessions/2025/Bills/House/PDF/H66v0.pdf	NAACPPX 315
Attachment 11	House Resolution 32 (“No Bailout for Sanctuary Cities Act”) Bill Text	https://www.congress.gov/bill/119th-congress/house-bill/32/text?s=2&r=73	NAACPPX 317
Attachment 12	Session Law 2024-58 (Constitutional Amendment to Require Photo ID for All Voters)	https://www.ncleg.gov/Sessions/2023/Bills/Senate/PDF/S921v3.pdf	NAACPPX 319

ATTACHMENT TO BOER DECLARATION	DOCUMENT	AVAILABLE AT:	CORRESPONDING NAACPPX EXHIBIT
Attachment 13	Senate Bill 406 (“Choose Your School, Choose Your Future”) (Filed Edition)	https://www.ncleg.gov/Sessions/2023/Bills/Senate/PDF/S406v0.pdf	NAACPPX 328
Attachment 14	Senate Bill 356 / House Bill 447 (Photo ID Constitutional Amendment) (Filed Edition)	https://www.ncleg.gov/Sessions/2023/Bills/Senate/PDF/S356v0.pdf	NAACPPX 330
Attachment 15	Senate Bill 88 (“Election Day Integrity Act”) (Filed Edition)	https://www.ncleg.gov/Sessions/2023/Bills/Senate/PDF/S88v0.pdf	NAACPPX 336
Attachment 16	Session Law 2018-144 / Senate Bill 824 (Implementation of Voter ID Constitutional Amendment)	https://www.ncleg.gov/Sessions/2017/Bills/Senate/PDF/S824v7.pdf	NAACPPX 346
Attachment 17	Session Law 2023-140 / Senate Bill 747 (Elections Law Changes)	https://www.ncleg.gov/Sessions/2023/Bills/Senate/PDF/S747v6.pdf	NAACPPX 347
Attachment 18	Session Law 2023-139 / Senate Bill 749 (No Partisan Advantage in Elections)	https://www.ncleg.gov/Sessions/2023/Bills/Senate/PDF/S749v7.pdf	NAACPPX 348
Bill Amendments			
Attachment 19	Amendment to Proposed Criteria (Voting Rights Act) (August 12, 2021)	https://webservices.ncleg.gov/ViewDocSiteFile/38483	NAACPPX 248

ATTACHMENT TO BOER DECLARATION	DOCUMENT	AVAILABLE AT:	CORRESPONDING NAACPPX EXHIBIT
Attachment 20	Amendment to Proposed Criteria (Contiguity) (August 12, 2021)	https://webservices.ncleg.gov/ViewDocSiteFile/41043	NAACPPX 249
Attachment 21	Amendment to Proposed Criteria (Racial Data) (August 12, 2021)	https://webservices.ncleg.gov/ViewDocSiteFile/41044	NAACPPX 250
Bill Histories or Cosponsors			
Attachment 22	Session Law 2023-134 / House Bill 259 Bill History	https://www.ncleg.gov/BillLookup/2023/H259	NAACPPX 107
Attachment 23	Session Law 2021-180 (“2021 Appropriations Act”) Bill History	https://www.ncleg.gov/BillLookup/2021/S105	NAACPPX 274
Attachment 24	Session Law 2011-145 (“Appropriations Act of 2011”) Bill History	https://www.ncleg.gov/BillLookup/2011/h200	NAACPPX 281
Attachment 25	Senate Bill 1005 / House Bill 1040 (“The Appropriations Act of 2001”) Bill History	https://www.ncleg.gov/BillLookup/2001/s1005	NAACPPX 286
Attachment 26	Senate Bill 558 (“Eliminating ‘DEI’ in Public Higher Ed”) Bill History	https://www.ncleg.gov/BillLookup/2025/S558	NAACPPX 300
Attachment 27	Senate Bill 403 / House Bill 491 (“Medicaid Work Requirements”) Bill History	https://www.ncleg.gov/BillLookup/2025/S403	NAACPPX 302

ATTACHMENT TO BOER DECLARATION	DOCUMENT	AVAILABLE AT:	CORRESPONDING NAACPPX EXHIBIT
Attachment 28	Senate Bill 333 (“Prohibit Illegal Accreditation Requirements”) Bill History	https://www.ncleg.gov/BillLookup/2025/S333	NAACPPX 304
Attachment 29	Senate Bill 227 (“Eliminating ‘DEI’ in Public Higher Ed”) Bill History	https://www.ncleg.gov/BillLookup/2025/S227	NAACPPX 307
Attachment 30	Senate Bill 153 (“North Carolina Border Protection Act”) Bill History	https://www.ncleg.gov/BillLookup/2025/S153	NAACPPX 310
Attachment 31	House Bill 127 (“Voter Registration Drive Form”) Bill History	https://www.ncleg.gov/BillLookup/2025/h127	NAACPPX 312
Attachment 32	House Bill 66 (“Reduce Early Voting Period”) Bill History	https://www.ncleg.gov/BillLookup/2025/h66	NAACPPX 314
Attachment 33	House Resolution 925 (“Dismantle DEI Act of 2025”) Cosponsors	https://www.congress.gov/bill/119th-congress/house-bill/925/cosponsors?s=3&r=32	NAACPPX 316
Attachment 34	Session Law 2024-58 / Senate Bill 921 (Constitutional Amendment to Require Photo ID for All Voters) Bill History	https://www.ncleg.gov/BillLookup/2023/S921	NAACPPX 318
Attachment 35	Session Law 2023-37 / Senate Bill 248 (Nash/Edgecombe	https://www.ncleg.gov/BillLookup/2023/s248	NAACPPX 325

ATTACHMENT TO BOER DECLARATION	DOCUMENT	AVAILABLE AT:	CORRESPONDING NAACPPX EXHIBIT
	School Boards) Bill History		
Attachment 36	Senate Bill 356 / House Bill 447 (Photo ID Constitutional Amendment) Bill History	https://www.ncleg.gov/BillLookup/2023/S356	NAACPPX 329
Attachment 37	Senate Bill 88 / House Bill 304 ("Election Day Integrity Act") Bill History	https://www.ncleg.gov/BillLookup/2023/S88	NAACPPX 335
Attachment 38	Senate Bill 406 / House Bill 823 ("Choose Your School, Choose Your Future") Bill History	https://www.ncleg.gov/BillLookup/2023/S406	NAACPPX 349

The Court may properly take judicial notice of the legislative materials identified above—and the information they contain—pursuant to FRE 201. Rule 201 permits judicial notice of facts “not subject to reasonable dispute because [they] can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” FRE 201(b)(2). That standard is plainly met here: the complete contents of these materials are readily available through official government sources—the websites of the North Carolina General Assembly and the United States Congress. *See Just. 360 v. Stirling*, 42 F.4th 450, 455 (4th Cir. 2022) (“[W]e may properly take judicial notice of matters of public record.”) (quotation omitted), 791 F.3d 500, 508 (4th Cir. 2015); *Hilton v. Gossard*, 702 F.Supp.3d

425, 430 (D.S.C. 2023) (taking judicial notice of information on a state government website).

Courts routinely take judicial notice of publicly available government records and the data and information within them. For example, in *Voto Latino v. Hirsch*, the court took judicial notice of a range of official materials published by the North Carolina General Assembly and the State Board of Elections (“NCSBE”), including the text of Senate Bill 747, related provisions of the North Carolina General Statutes, data presented in NCSBE memoranda, and other substantive information conveyed through North Carolina’s legislative and administrative websites. 712 F.Supp.3d 637, 646–53, 652 n. 14 (M.D.N.C. 2024). Other courts have likewise recognized the propriety of judicial notice in similar contexts. *See, e.g., Papasan v. Allain*, 478 U.S. 265, 268 n.1 (1986) (“[W]e are not precluded . . . from taking notice of items in the public record.”); *Armstrong v. United States*, 80 U.S. 154, 156 (1871) (holding that courts are “bound to take notice” of public acts such as official proclamations); *Hall v. Louisiana*, No. 12-00657-BAJ-RLB, 2015 WL 1383532, at *3 (M.D. La. Mar. 23, 2015) (“The Court is entitled to take judicial notice of the legislative history of a bill.”) (citing *Territory of Alaska v. Am. Can Co.*, 358 U.S. 224, 226–27 (1959)); *Just Puppies, Inc. v. Frosh*, 565 F.Supp.3d 665, 704-705 (D. Md. 2021) (taking judicial notice of a state law and associated legislative history available on the Maryland General Assembly’s website); *Schultz v. Tecumseh Products*, 310 F.2d 426, 433 (6th Cir. 1962) (noting that federal courts must take judicial notice of state law, whether statutory or judicial in nature).

Plaintiffs note that these documents are also admissible pursuant to the FRE. However, the fact that the documents are otherwise admissible does not undermine the availability of judicial notice and, critically, seeking judicial notice here furthers the parties' shared interest in efficiency given the limited trial time available for this case. *Cf. Grand Opera Co. v. Twentieth Century-Fox Film Corp.*, 235 F.2d 303, 307 (7th Cir. 1956) ("Judicial notice is merely a substitute for the conventional method of taking evidence to establish facts.").

Further, in requesting the Court to take judicial notice of these documents, Plaintiffs do *not* ask the Court to take judicial notice of any interpretation or conclusions about these documents. *Contra Ohio Valley Envtl. Coal. v. Aracoma Coal Co.*, 556 F.3d 177, 216 (4th Cir. 2009) (plaintiff "actually s[ought] notice of its own interpretation of the contents of those [permit decision] documents"). It is therefore appropriate for the Court to take judicial notice of the records identified above pursuant to FRE 201.

For the foregoing reasons, Plaintiffs respectfully request that the Court approve their request for judicial notice.

Dated: June 13, 2025

Respectfully submitted,

/s/ Hilary Harris Klein
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** Special Appearance pursuant to
Local Rule 83.1(d)*

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*Appearing in this matter by Special
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CERTIFICATE OF SERVICE

I certify that on June 13, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ J. Tom Boer
J. Tom Boer